IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.MC.No. 1957 of 2004

CC.1082/2002 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM

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PETITIONERS/ACCUSED:

1. SREEKUMAR, S/O.MANOHARAN,
   MADAMBISSERY HOUSE, SREE NILAYAM,
   SPICES STREET, ERNAKULAM, KOCHI-18.

2. M.S.MANOHARAN, S/O.SANKARAN, DO. DO.

3. OMANA, W/O.MANOHARAN, DO. DO.

4. SREEKALA, D/O.MANOHARAN, DO. DO.

5. SREEKANTH, S/O.MANOHARAN,DO. DO.

BY ADV. SRI.K.J.KURIACHAN

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY THE
   SUB INSPECTOR OF POLICE, ERNAKULAM
   TOWN NORTH POLICE STATION.

2. SINDHU, W/O.SREEKUMAR,
   MANAKKAT HOUSE, VAIDER JUNCTION,
   ERIYAD P.O., KODUNGALLOOR.

R1 BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU
R2 BY ADV. SRI.K.C.ELDHO

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 1957 of 2004

ORDER

Petitioners are the accused and the second respondent is the defacto complainant in C.C.No. 1082/02 on the file of the Judicial First Class Magistrate's Court-II, Ernakulam, registered for offence under section 498A IPC. The prayer in this Crl.M.C. is to quash the proceedings in C.C. No.1082/02 aforesaid on the allegation that the entire matrimonial disputes between the parties are settled and they have decided to withdraw all pending cases, including C.C.No.1082/02 aforesaid.

2. There is no material available before this Court to evidence that all disputes between the parties are settled. On the other hand, counsel appearing for the second respondent as also the counsel for the petitioners submit that the first petitioner husband as also the second respondent wife have entered into separate marriage alliances, after effecting divorce. But, that is no ground to

quash the proceedings in C.C.No.1082/02 aforesaid, registered for offence under Section 498A IPC.

The prayer in this Crl.M.C., in the circumstances, cannot be allowed and this Crl.M.C. is, hence, dismissed.

10th August, 2007 (K.P.Balachandran, Judge)

tkv